

"Since Leaving Home" and "Finger-Prints Can Be Forged", both published by the Tremonia Publishing Company, Chicago. My hope has been that this narration would result in a charge of criminal libel, which would give me an opportunity to prove in open court a finger-print "expert's" own lack of belief in the frequently asserted unalterability, unforgeability and absolute reliability of finger-print evidence. H.A. Murphy is the name of the police officer mentioned, and he is still employed in the service of justice.

My only chance for an examination of the latent impression in the Cominsky case, of a slightly enlarged photograph of that impression, and of a photograph of the defendant's finger-print enlarged in the same scale, was during a brief recess of the court. Had the two imprints been at all similar, even slightly so, I would have been unwilling to take the stand in the absence of adequate time in which to make a thorough comparative study of those prints. In that case the defendant would probably have received a death sentence.

However, even a casual comparison disclosed a wide and uncontradictable difference between the photograph of the crime-imprint, and the clear photograph of the inked impression of the defendant's finger. The imprints were so dissimilar as to belong in two different classifications. The latent print showed a so-called "twinned loop" design, while the inked one was an unmistakable "ulnar whorl". I pointed out this discrepancy to the court clerk under whose supervision I was permitted to view the exhibits. His untrained eye saw the difference almost immediately. Yet two experts in the State's employ had found eight and ten points of identity respectively upon which they based their opinions that both impressions were from the same finger -- the right middle finger of the defendant. Were they hired to find points of similarity and to ignore such a pronounced difference as appeared in the core, the main factor in finger-print analysis?

My indignation led me to give considerable emphasis to my words when I finally was placed on the stand, and I was further provoked by the size of the exhibit-photographs, which were far too small to permit ocular demonstration to the jury. Why? I asked myself.

In Leavenworth, where I was given my first opportunity to study finger-print identification, enlargements of imprints were always made on a scale enabling me to bring to the eyes of an observing audience all points of identity or contrast. In the Cominsky trial this was not done. I urged the prosecutor to allow me to demonstrate my point on an enlarged scale with a blackboard or a large sheet of paper, by which method I offered to prove my contentions to his complete satisfaction. But he flatly refused.

Is it the duty of a prosecuting attorney to obtain a conviction regardless of the evidence? I wonder.